

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PAUL DANKO, JR.,)
)
Plaintiff,)
)
v.) Civil Action No. 11-0466
)
UNITED STATES GOVERNMENT,)
)
Defendant.)

MEMORANDUM

Gary L. Lancaster,
Chief Judge.

April 15, 2011

Before the court are plaintiff's motion for leave to proceed in forma pauperis and his pro se complaint. [Doc. No. 1]. For the reasons set forth below, plaintiff's motion for leave to proceed in forma pauperis will be granted, and his complaint will be dismissed as frivolous.

Plaintiff, Paul Danko, Jr., appears to assert a claim for \$10,000,000.00 against the United States Government to compensate him for alleged espionage assignments he carried out for the CIA in the late 1950s and early 1960s. Plaintiff attached to his complaint various exhibits that are either unreadable or involve claims for veteran's benefits that do not appear pertinent to the allegations in plaintiff's pro se complaint.

I. Motion for Leave to Proceed In Forma Pauperis

We first address plaintiff's motion for leave to proceed in forma pauperis.

Congress has authorized the federal courts to allow a party to proceed with the commencement, prosecution, or defense of an action in forma pauperis. 28 U.S.C. § 1915(a). In doing so, Congress recognized the public policy concern that persons who are unable to pay fees or give security should be permitted to prosecute or defend actions that affect their legal rights. Because it appears that plaintiff is unable to pay the costs associated with commencing this action, we will grant him leave to proceed in forma pauperis.

II. Complaint

Next, we turn to plaintiff's pro se complaint.

In enacting section 1915, Congress granted the courts an extra measure of authority when evaluating an in forma pauperis action. Under that section, the court shall determine if the action is frivolous, or fails to state a claim on which relief may be granted. Id. at §§ 1915(e)(2)(b)(i), (ii). If it so finds, the court may dismiss a claim sua sponte, even before the summons issues. Johnstone v. United States, 980 F. Supp. 148, 150 (E.D. Pa. 1997).

Plaintiff's complaint is unintelligible and he has failed to set forth any allegations that shed light on the cause of action he pursues, who the claims are against, and why the case has been brought before this court. Although plaintiff proceeds pro se, this does not excuse him from the requirement to set forth non-frivolous allegations and state a claim on which relief may be granted.

Based on the foregoing, we will dismiss plaintiff's complaint as frivolous.

An appropriate order follows.

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ORDER

AND NOW, this 15 day of April, 2011, IT IS HEREBY
ORDERED that plaintiff's motion for leave to proceed in forma
pauperis is GRANTED.

IT IS FURTHER ORDERED, that plaintiff's complaint is
DISMISSED as frivolous.

BY THE COURT:



, C. J.

cc: Paul Danko, Jr.
415 Victoria Street
Belle Vernon, PA 15012